INFORMATION LETTER

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House Group To Investigate Wage-Hour Enforcement

The House Subcommittee on Labor Standards, under the chairmanship of Representative Landrum (Ga.), has announced that it is undertaking an intensive investigation into the enforcement of major wage-hour legislation. The Subcommittee plans to hold public hearings, starting next month and probably continuing for about 60 days.

The Subcommittee investigation will deal primarily with the Fair Labor Standards Act, the Davis-Bacon Act, and the Walsh-Healey Act, together with their interpretation by administrative agencies charged with enforcement.

The Subcommittee points, in an announcement, that "legislation in this field generally has been drafted in broad terms, with the particular agency involved filling in details through administrative interpretation. This imposes, the Subcommittee feels, the serious responsibility upon the agency of enforcing the statutes strictly in accordance with the intent of Congress. Most of these labor laws have been in effect for an extended period of time, and have been the subject of an ever-increasing volume of administrative interpretation," according to the announcement.

"In considering the advisability of proposed legislation, the Subcommittee wishes to review the administration which has been accorded these statutes and in the course of such review persons concerned with the administration of said laws will, to the extent which time will permit, be afforded the opportunity to appear and testify before the Subcommittee."

Members of the Subcommittee, in addition to Chairman Landrum, are Representatives Metcalf (Mont.), Roosevelt (Calif.), Dent (Pa.), Holt (Calif.), Ayres (Ohio), and Griffin (Mich.).

BLS Price Index Again Shows Canned Foods To Be 'Best Buy'

Canned food prices in March again were a stabilizing influence in the index of prices for all foods as reported by the Bureau of Labor Statistics. In the face of an over-all rise of 1.8 percent in the index for all foods from February to March, the retail price index of canned fruits and vegetables was up only .8 percent and the index of retail prices for all canned items in the food index was up only .4 percent.

For the first time in 1958, the index of retail prices of canned fruits and vegetables was above the index of a year earlier. The rise from a year ago was smaller, however, for canned fruits and vegetables as a group and for canned foods as a group than it was for the "all foods" category.

N.C.A. issued press releases headed "How to Lick the Recession" and pointing out that if the housewife had substituted canned fruits and vegetables for fresh fruits and vegetables between the February and March reports, her total food bill would have been lower. The release reiterated that "canned foods are the current best buy for the housewife."

Following are BLS index figures for selected categories of food products:

	March 1957	Feb. 1958	March 1958
	(1947-49 = 100)		
All items	118.9	122.5	123.3
All foods	113.2	118.7	120.8
All fruits and vegetables	116.1	124.4	130.7
Fresh fruits and vegetables	119.0	131.4	140.9
Canned fruits and vegetables	107.1	106.5	107.4
All canned foods	104.1	105.2	105.6
Canned foods:			
Peaches	110.4	109.1	109.5
Pineapple	109.9	111.0	111.4
Corn	102.2	103.9	103.6
Tomatoes	103.0	107.9	112.2
Peas	101.9	100.9	100.6
Baby food	102.5	102.0	102.2
Orange juice	118.7	111.1	111.9
Fruit cocktail	100.3	100.8	100.6
Luncheon meat	90.7	98.1	98.4
Salmon	129.9	131.0	131.1
Tuna	93.0	94.9	95.0
Milk	105.4	110.5	110.8
Tomato soup	99.1	100.0	100.1
Beans and pork	103.1	105.9	106.3
Catsup	102.5	97.4	96.3

USDA Appropriations Bill Sent to Conference

The Senate on April 21 passed and sent to conference the bill, H.R. 11767, making appropriations for the USDA for the fiscal year 1959.

The Senate adopted the recommendations of its Appropriations Committee in approving $1,447,573,153 for the regular activities of the Department. This amount is about $9 million less than the total voted by the House, but actually represents increases for a number of activities offset by a $50 million cut in funds for the Conservation Reserve.

As passed by the Senate, the bill

Retains poultry inspection in the Agricultural Marketing Service, in line with the legislative history of the enactment of the Poultry Products Inspection Act, rather than in the Agricultural Research Service, as provided by the House;

Raises appropriations for the school lunch program from $100 to $125 million and eliminates the requirement for transfer of $55 million in Section 32 funds to the school lunch program;

Raises appropriations for USDA research on pear decline from $12,500 to $20,000;

Provides $140,000 for research on cold hardiness of citrus, the work to be conducted at Orlando, Fla.; Indio, Calif.; and Weslaco, Tex., in cooperation with state agricultural experiment stations and the citrus industry; and

Increases funds for USDA administration of the Packers and Stockyards Act from $125,000 to $225,000, as requested in the budget.

Senate conferees are Senators Russell (Ga.), Hayden (Ariz.), Hill (Ala.), Robertson (Va.), Ellender (La.), Young (N. D.), Mundt (S. D.), and Dworshak (Idaho).

In its report to the Senate, the Appropriations Committee requested the USDA to make a study of facility needs for research on soil and water problems and to report to the Committee by next March 1 on the scope of research results to be expected from existing facilities and the feasibility of additional facilities.

Good Housekeeping

"The Magic of Ripe Olives," is the title of an article in the May issue of *Good Housekeeping* magazine.

The article begins, "Recipes are the treasured possession of good cooks. A good cook we know recently passed along some long-time family favorites. With real pleasure we share them with you."

The recipes using ripe olives are Hot Crab Salad, Tangy Cheese Pie, L. B.'s Baked Sandwiches, and Quick Chili Beans.

In addition to ripe olives, the recipes include canned pimientos, crab meat, tomato soup, deviled ham, catsup, tomato sauce, and chili beans.

1957 Pack of Spinach and Other Greens

The 1957 pack of canned spinach totaled 6,230,037 actual cases compared with the 1956 pack of 6,281,539 cases, according to a report by the N.C.A. Division of Statistics.

The Division also has issued reports on the 1957 packs of canned turnip greens, mustard greens, and other greens.

	1956	1957
	(*actual cases*)	
Spinach	6,281,539	6,230,037
Turnip greens	1,282,349	1,127,237
Mustard greens	584,984	633,091
Other greens	382,151	392,326

Spinach

State	1956	1957
	(*actual cases*)	
Maryland	278,878	127,925
Ark., Mo., and Okla.	1,666,837	1,424,422
California	3,165,435	3,349,974
Other states	1,170,389	1,327,712
U. S. Total	6,281,539	6,230,037

Turnip Greens

State	1956	1957
	(*actual cases*)	
Georgia	109,641	84,239
Maryland	57,999	17,336
Ozarks	620,165	656,189
Other states	494,544	369,473
U. S. Total	1,283,349	1,127,237

Mustard Greens

State	1956	1957
	(*actual cases*)	
Georgia	(a)	3,846
Maryland	16,055	9,928
Ozarks	411,658	452,659
Other States	157,271	166,658
U. S. Total	584,984	633,091

(a) Included in "other states," which include Calif., Fla., Ky., Miss., Tenn., and Texas.

Prospective Plantings of Vegetables for Processing

On the basis of reports of intentions to plant, the prospective 1958 planted acreage of nine vegetables for processing is about 9 percent less than last year and 11 percent below average, according to the Crop Reporting Board of USDA.

Increased plantings are reported in prospect for tomatoes and the contracted acreage of cabbage for kraut. Prospective plantings of tomatoes for processing have been reported 1 percent above last year, and the acreage of contract cabbage is up 9 percent.

The indicated reductions in planted acreage, compared with last year, are green lima beans, 5 percent; snap beans, 1 percent; beets, 10 percent; sweet corn, 13 percent; cucumbers for pickles, 8 percent; green beans, 15 percent; and winter and early spring spinach, 20 percent.

The nine crops usually account for 93 percent of the planted acreage of the 10 vegetables covered in regular USDA reports.

Canners' Stocks of Spinach

Following is a summary of canners' stocks of canned spinach on March 1 compared with a year earlier:

	1957-57	1957-58
	(*actual cases*)	
Carryover, March 1	1,234,674	1,602,626
Pack	6,281,539	6,230,037
Total supply	7,516,213	7,832,663
Stocks, March 1	1,602,626	1,757,924
Season shipments	5,913,587	6,074,739

Beets for Canning

The acreage of beets to be planted for canning in 1958 is expected to be about 10 percent less than the acreage planted in 1957, according to the Crop Reporting Board of USDA.

Based on processors' reported intentions, the 1958 planted acreage is estimated at 15,950 acres compared with 17,650 acres planted last year and the 1947-56 average of 18,000 acres.

State	Planted Acreage: 10-year ave. 1947-56	1957	1958 Prospective	Percent change from 1957
	(*acres*)	(*acres*)	(*acres*)	
New York	4,200	4,500	3,600	−20
Michigan	1,000	700	750	+ 7
Wisconsin	7,200	7,200	6,100	−15
Oregon	1,500	1,600	1,400	−12
Other states [1]	4,100	3,650	4,100	+12
U. S. Total	18,000	17,650	15,950	−10

[1] Calif., Colo., Del., Ill., Ind., La., Md., Minn., N. J., Ohio, Okla., Pa., Tenn., Texas, Utah, and Wash.

1957 Pack of White Potatoes

The 1957 pack of canned white potatoes totaled 3,745,705 actual cases compared with the 1956 pack of 3,345,742 cases, according to a report by the N.C.A. Division of Statistics.

Region	1956	1957
	(*actual cases*)	
East	1,352,776	1,458,919
West	1,992,966	2,286,786
U. S. Total	3,345,742	3,745,705

East includes Ala., Fla., Ga., Maine, Md., Mich., Miss., N. J., N. C., S. C., Tenn., and Va. West includes Ark., Calif., Colo., Ind., Minn., Mont., Okla., Ore., Texas, Utah, and Wis.

Stocks of Canned Foods on April 1 and Season Shipments

	Carryover month	Case basis	Total Supply 1956-57	Total Supply 1957-58	Canners' Stocks, April 1 1957	Canners' Stocks, April 1 1958	Season Shipments to April 1957	Season Shipments to April 1958
			(*thousands of cases*)					
Apples	Sept.	6/10	4,609	4,588	2,237	2,525	2,372	2,063
Applesauce	Sept.	actual	16,421	16,283	7,856	6,829	8,565	9,454
Cherries, RSP	July	actual	3,103	3,805	630	615	2,473	3,190
Cherries, sweet	June	24/2½	1,113	1,074	250	296	863	778
Apricots	June	24/2½	5,373	5,181	1,689	1,315	3,684	3,866
Peaches	June	24/2½	30,136	30,153	10,398	8,683	19,738	21,470
Pears	June	24/2½	10,610	11,230	4,091	4,160	6,519	7,070
Beans, green and wax	July	actual	28,497	31,075	8,464	9,985	20,033	21,091
Corn	Aug.	actual	44,390	43,149	15,758	16,041	28,632	27,108
Peas	June	actual	35,152	41,708	8,051	13,327	27,101	28,381
Pumpkin and squash	July	actual	4,613	4,201	1,424	1,026	3,189	3,176
Tomatoes	July	actual	29,664	24,994	9,293	4,547	20,371	20,447
Tomato juice	July	actual	40,030	37,560	16,813	15,068	23,217	22,492
Catsup	July	actual	33,151	31,260	14,859	12,317	18,292	18,943
Chili sauce	July	actual	3,753	3,256	1,563	1,409	2,190	1,847

Source: N.C.A. Division of Statistics.

Changes in DDT Tolerances for Sweet Corn and Forage

Notice is given in the *Federal Register* of April 18 that the Food and Drug Administration proposes to change its tolerance for DDT on fresh corn. The changes would have a marked impact on the use of husks and forage in feeding meat animals and dairy cows.

Under the FDA proposal the tolerance of 7 ppm would continue to apply to the fat of meat from cattle, hogs, and sheep, but for kernels and cobs of sweet corn the tolerance would be 3½ ppm and on husks and forage the tolerance would be zero.

Following is the text of the FDA proposal, as published in the *Federal Register* of April 18:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF PROPOSAL TO ESTABLISH TOLERANCE FOR RESIDUES OF DDT IN OR ON SWEET CORN AND TO ESTABLISH TOLERANCE OF ZERO FOR RESIDUES OF DDT ON SWEET CORN FORAGE

State agricultural agencies in New York, Illinois, and Florida and the Entomology Research Division, Agricultural Research Service, U. S. Department of Agriculture, have advised that the tolerance of 7 parts per million for DDT on the fresh vegetable corn was not sufficient to cover residues on the corn, including husk, when marketed. Inasmuch as the residues on the corn husk are not consumed with the food, the agencies of the above-mentioned states have asked that the Commissioner of Food and Drugs take action to revise the tolerance for DDT on the fresh vegetable corn to permit residues of 3½ parts per million on the kernels and cob of sweet corn but not on the forage thereof.

While there is evidence that such a tolerance will be met as regards residues of DDT on the kernels plus cob of sweet corn, there is evidence to show that husks and forage from sweet corn treated with DDT to combat corn earworm would bear excessive residues that would render them unsuitable for feed for dairy cows or meat animals. It is recognized that such husks and forage could not be used as feed for meat animals or dairy cows if DDT is to be permitted to combat corn earworm in the production of sweet corn.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U. S. C. 346a(b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), it is proposed by the Commissioner of Food and Drugs, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.101; 21 CFR, 1956 Supp., 120, 147 (22 F. R. 1001)) be amended as set forth below:

1. In §120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, it is proposed to amend paragraph (e) (43) by deleting therefrom the line "DDT . . . 7 p.p.m."

2. It is proposed to revise §120.147 to read as follows:

§120.147 *Tolerances for residues of DDT.* Tolerances for residues of DDT (a mixture of 1,1,1-trichloro-2,2-bis (*p*-chlorophenyl) ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane) are established in or on raw agricultural commodities as follows:

(a) 7 parts per million in the fat, of meat from cattle, hogs, and sheep; in or on sweet potatoes (from post-harvest use).

(b) 3½ parts per million in or on sweet corn (kernels plus cob with husk removed).

(c) Zero part per million in or on husks and forage from sweet corn.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing DDT may request, within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the *Federal Register* to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: April 11, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

Canada's Tariff Rates

The Committee for Reciprocity Information has requested written views and comments on Canada's proposal to negotiate her tariff rates on a number of fruit and vegetable products, including canned foods. Canada's proposal reflects a desire on her part to increase rates of duty which are now covered in trade agreements involving the U. S. and Canada.

Acting on appeals from Canadian producers, the Canadian government arranged last year for the Canadian Tariff Board to study the Canadian tariff status of fruits and vegetables. Public hearings on this subject were held in Canada last July, August and September, and the Board recommended certain tariff changes, which are to be the subject of the CRI investigation.

The recommendation of the Canadian Tariff Board "do not necessarily represent the views of the Canadian government," according to an official U. S. announcement. The CRI also states:

"In preparation for the proposed negotiations with Canada, the Committee for Reciprocity Information would welcome views from interested parties with regard to the possible effect on United States trade of modification or withdrawal of the concessions on the items on the attached list. In addition, the Committee invites the submission of views regarding concessions which the United States might seek from Canada as compensation, as well as views concerning possible upward adjustment in United States rates of duty on commodities of which Canada is an important supplier and which are now the subject of concessions to Canada in the General Agreement."

Written views should be submitted, in 15 copies, to the Committee for Reciprocity Information, Washington 25, D. C., by June 16.

Following is a list of canned and frozen fruit and vegetable products to which the Canadian proposals relate and on which the CRI invites public views:

Product	Present rate	Proposed rate*
Asparagus, canned, ad valorem	15%	22½%
Asparagus, frozen, ad valorem	17½%	22½%
Cranberry jelly and cranberry sauce or preserve, per lb.	3¢	3½¢
Cherries, frozen, per lb.	2¢	3¢
Peaches, frozen, per lb.	2¢	2½¢
Peaches, canned, per lb.	2¢	2½¢
Apricots, canned, per lb.	2¢	2½¢
Cherries, canned, per lb.	1¢	1½¢
Prunes, canned, per lb.	1¢	1½¢

* Report by the Tariff Board Relative to the Investigation Ordered by the Minister of Finance Respecting Fruits and Vegetables, Oct. 15, 1957.

New USDA Daily Food Guide —Food for Fitness

Four or more servings of fruits and vegetables every day are recommended by USDA in a new daily food guide, *Food for Fitness*, prepared by USDA nutritionists.

The "vegetable-fruit group" is one of four kinds of foods on which the daily diet should be based, according to the food guide. The other major food categories are milk, meat, and breads and cereals.

The basis of good nutrition is described as eating a proper variety of foods, so as to obtain those that together supply nutrients in the needed amounts.

The new daily food guide replaces and supersedes USDA's "Basic Seven" nutritional guide for a number of years.

The USDA leaflet says that you should eat four or more servings of fruits and vegetables daily and should include:

"A citrus fruit or other fruit or vegetable important for vitamin C

"A dark-green or deep-yellow vegetable for vitamin A—at least every other day

"Other vegetables and fruits, including potatoes."

The new USDA leaflet was released this week and is slated for widespread distribution. Following is its description of the vegetable-fruit group:

"FOODS INCLUDED

"All vegetables and fruit. This guide emphasizes those that are valuable as sources of vitamin C and vitamin A.

"Sources of Vitamin C

"Good sources—Grapefruit or grapefruit juice; orange or orange juice; cantaloup; guava; mango; papaya; raw strawberries; broccoli; green pepper; sweet red pepper.

"Fair sources—Honeydew melon; tangerine or tangerine juice; watermelon; asparagus tips; brussels sprouts; raw cabbage; collards; garden cress; kale; kohlrabi; mustard greens; potatoes and sweet potatoes cooked in the jacket; spinach; tomatoes or tomato juice; turnip greens.

"Sources of Vitamin A

"Dark-green and deep-yellow vegetables and a few fruits, namely: Apricots, broccoli, cantaloup, carrots, chard, collards, cress, kale, mango, persimmon, pumpkin, spinach, sweet potatoes, turnip greens and other dark-green leaves, winter squash.

"CONTRIBUTION TO DIET

"Fruits and vegetables are valuable chiefly because of the vitamins and minerals they contain. In this plan, this group is counted on to supply nearly all the vitamin C needed and over half of the vitamin A.

"Vitamin C is needed for healthy gums and body tissues. Vitamin A is needed for growth, normal vision, and healthy condition of skin and other body surfaces.

"AMOUNTS RECOMMENDED

"Choose 4 or more servings every day, including:

"1 serving of a good source of vitamin C or 2 servings of a fair source.

"1 serving, at least every other day, of a good source of vitamin A. If the food chosen for vitamin C is also a good source of vitamin A, the additional serving of a vitamin A food may be omitted.

"The remaining 1 to 3 or more servings may be of any vegetable or fruit, including those that are valuable for vitamin C and vitamin A.

"Count as 1 serving: ½ cup of vegetable or fruit; or a portion as ordinarily served, such as 1 medium apple, banana, orange, or potato, or half of a medium grapefruit or cantaloup."

Conferences on Sanitation and Processing Problems

Response to the first three Sanitation and Processing Conferences held in the East by the N.C.A. Washington Research Laboratory was very encouraging. The program was presented as outlined in the March 22 issue of the INFORMATION LETTER with time given to audience participation. A total of 114 persons attended the meetings. Of these 37 were foremen, foreladies or line supervisors; 29 were in management; 21 were in quality control; 18 were sanitarians; and 9 were from associated industries. Thirty-three canning companies were represented.

While the total attendance was gratifying, the purpose of such conferences will be best realized as they reach more and more line supervisory personnel, such as foremen and foreladies. The aim is to assist management and technical people by pointing out to superintendents, foremen and foreladies how they can best maintain a clean, wholesome product.

Similar conferences are being planned for the Midwestern areas during the early part of the summer.

FDA Continues To Support Its Food Additives Bill

The FDA's position in support of its food additives bill, H. R. 6747, was presented to the House Committee on Interstate and Foreign Commerce last week by George P. Larrick, Commissioner of Food and Drugs, and Elliot L. Richardson, Assistant Secretary of Health, Education, and Welfare.

Their testimony focused principally on provisions in food additives legislation on which there is disagreement between the FDA and the food and chemical industries. These areas concern pretesting of an additive before use, control of its "functional value," and appeals procedure.

H. R. 6747 was drafted by the FDA and was introduced last year with the backing of the Department of Health, Education, and Welfare (see INFORMATION LETTER of April 13, 1957, page 147).

In his testimony April 15 Commissioner Larrick opposed industry recommendations for a "grandfather clause" which would permit continued use of additives in use at the time of enactment of food additives legislation, until a regulation under the new law were issued. He stated:

"We think this would not afford adequate protection of the public health, because the manufacturer who had already marketed an additive without adequately pretesting it would have no more obligation to test it and obtain clearance under new regulation with this provision than he felt under the old law and because the Food and Drug Administration with its limited facilities could not test all of the chemicals as promptly as is desirable.

"The Department's bill does not propose to rule old additives off the market preemptorily. It would allow an old additive, not generally recognized as safe, up to 18 months from the date of enactment to meet necessary safety clearance procedures, and it would allow the Secretary to extend this time for up to another 12 months when this could be done without undue risk to the public health. This is a total of 2½ years, which we believe would be sufficient for any additive that is safe enough to pass the basic testing procedures accepted by responsible scientists."

Turning to the controversial functional value or usefulness question, Commissioner Larrick stated that the functional provision of the Department's bill "is a relaxation of existing law." Commenting on earlier

industry testimony that "value is to be determined in the market place and not by administrative decision," Commissioner Larrick said that "it seems evident to us that the public welfare demands some supervision of a manufacturer's unilateral determination that there is a reason for using a poisonous chemical additive. The play of the market place must not be the sole criterion in this field where the public health is at stake. We must have a law that will cope with the type of manufacturer who doesn't appear before your committee, the ruthless producer who will stop at nothing to make a fast dollar. Although they are in the minority they do have to be controlled.

"The present law provides," said Mr. Larrick, "that tolerances may be established for added poisonous or deleterious substances in food only when they are required in its production or cannot be avoided by good manufacturing practice, and is a far more stringent criterion than the proposed functional value requirement. And our Department today determines in the first instance whether these substances are so required or unavoidable. The law does not now leave the decision to business when a known poison is involved. In lieu of this stringent requirement of necessity, we have proposed in H. R. 6747 to substitute the reasonable requirement of functional value." "In our view," testified Mr. Larrick, "we can go no further without sacrificing essential public health safeguards."

Testifying on the Department's position concerning the type and scope of judicial review, Assistant Secretary Richardson criticized industry proposals for a full district court trial on the merits. He maintained that courts were not suited to making a determination that would be prospective in effect, would apply to the industry at large, and would, if necessary, provide for an additive's use under certain restrictions. Such a determination is more legislative than judicial, he said, and should be made by the Secretary and his expert staff. H. R. 6747 provides that an appeal, which could be made only to an appellate court, the court would be restricted to deciding whether the Department's decision was supported by substantial evidence. Mr. Richardson insisted that this was adequate protection for the parties affected by the ruling.

Upon completion of the above testimony, Subcommittee Chairman John Bell Williams directed a series of questions to Commissioner Larrick. On the assumption that both industry and the FDA agreed on the general need of this type of legislation, and had also spent sufficient time on this problem, he asked whether the FDA would accept legislation which in effect would omit those items of controversy between industry and the Department and therefore permit the legislation to receive some Congressional recognition during this session of Congress. Cited as examples were FDA's insistence upon the "functional value" or "usefulness" of additives and the Administration's request for the right of prior approval, "a type of approach that has sometimes been described as licensing."

Regarding the latter point, Representative Williams held out the opportunity for the Administration to come back to the Subcommittee for future legislation "if the first several years' experience under the new law should indicate that some broader type of enforcement power is needed." And as to both controversial items, he inquired, "would not such an approach make sense from the public health standpoint especially since all of us have to face up to the fact that compromise is the essence of legislative process?"

In reply, Commissioner Larrick indicated that the FDA could not compromise with bill H. R. 6747 and suggested that if the Subcommittee was seeking to amend the Administration's bill that he would prefer to see these amendments included as part of a Subcommittee report rather than to have the Department asked to submit amendments.

Transportation Legislation

The Administration and Congress are studying ways of helping the railroads meet and overcome their current economic problems, and among the measures under consideration are proposals relating to motor carrier transportation of food products.

Specifically, it has been proposed that Congress amend the so-called agricultural exemption so as to curtail the movement of food products in non-regulated trucks, and that Congress amend the definition of a private carrier in a manner that is designed to halt itinerant "buy-and-sell" trucking operations.

Both proposals are long-standing issues and have been before Congressional committees before. Also, they were included in the Administration's five-point program for federal aid to the railroads, as announced by the Commerce Department April 22. With widespread general agreement on the need for help for the railroads, legislation dealing with the agricultural exemption and the private carrier definition already was receiving serious consideration in both the House and Senate.

The House Commerce Transportation Subcommittee held hearings this week on a bill, H. R. 5823, to amend section 203(b)(6) so as to put back under ICC rate regulation the movement of agricultural products after they pass out of the "possession and control of the producer."

The same Subcommittee will hold a hearing next week on a bill, H. R. 5825, to amend the definition of a private carrier.

Similar bills also are pending before the Senate Surface Transportation Subcommittee, which recently concluded a lengthy schedule of public hearings on the economic plight of the railroads. While the House Subcommittee considers each proposal separately as amendments to existing laws, the Senate Subcommittee would seem to be considering them only as parts of an over-all program of economic benefit to the railroads.

During its lengthy hearings the Senate Subcommittee received a number of proposals for helping the railroads. It received testimony directed to one bill, S. 2553, to narrow the agricultural exemption. Otherwise, however, its hearings were open to all ideas for helping the roads.

The Administration's five-point program for helping the railroads includes some of the proposals made at the Senate hearings. The Administration recommendations are for government-guaranteed loans to the roads, new authority for the ICC to allow abandonment of unprofitable rail service, revision of federal ratemaking policies, redefinition of private carriers, and clarification of the agricultural exemption.

Meryl Sullivan Named

C. Meryl Sullivan, former Director of the N.C.A. Labeling Research Division, has been appointed executive vice president of the National Wholesale Dry Goods Association. He will take over management of the group's office, 40 Worth St., New York City, on May 1.

Status of Legislation

Agricultural trade development—S. 3420, to raise Title I authorizations from $4 to $7.5 billion and to extend P. L. 480 for two years, to June 30, 1960, was passed by the Senate March 20. P. L. 480 will be the subject of hearings by the House Agriculture Committee May 5-9.

Alaska statehood—H. R. 7999, to provide statehood for Alaska, was reported by House Interior and Insular Affairs Committee June 25, 1957. S. 49, Alaska statehood, and S. 50, Hawaii statehood, were reported by Senate Interior Committee Aug. 29, 1957.

Anti-dumping Act—H. R. 6006, to amend the Anti-dumping Act of 1921 so as to facilitate determinations under the Act, was passed by the House Aug. 29, 1957, and was the subject of hearings by the Senate Finance Committee March 26-27.

CCC equity payments—S. 2426 (Ellender of La.), to authorize CCC to acquire title to unredeemed loan collateral without obligation to make equity payments, is pending before Senate Agriculture Committee, and H. R. 11389 (Bentley of Mich.) is pending before House Agriculture Committee.

Customs drawback—H. R. 9919, to amend the Tariff Act of 1930 to extend the privilege of substitution for the purpose of obtaining drawback upon reexportation of all classes of merchandise, was passed by the House Feb. 27.

Farmworkers housing—H. R. 9057, to provide for five-year amortization of housing facilities for farmworkers, was reported by House Ways and Means Committee Aug. 21, 1957.

FDA food additives—H. R. 6747 (Harris of Ark.) and S. 1895 (Hill of Ala.), the Administration-sponsored bill, H. R. 8390 (Harris of Ark.), H. R. 8629 (Wolverton of N. J.) and other food additives bills were the subject of hearings by the Health and Science Subcommittee of the House Commerce Committee April 15-16. N.C.A. supports H. R. 8390 and H. R. 8629.

Fisheries loan fund—S. 2720, to increase the loan fund authorization from $10 million to $13 million, was passed by the Senate Aug. 20, 1957. S. 3295, to increase the authorization from $10 to $20 million, was reported by the Senate Commerce Committee March 11.

ICC agricultural exemption—H. R. 5823 (Harris of Ark.), to amend the agricultural exemption in sec. 203 (b) (6) was the subject of hearings by the House Commerce Subcommittee on Transportation April 23-25 (see story, page 151).

ICC private carrier definition—H. R. 5825 (Harris of Ark.), to amend the definition of a private motor carrier, as recommended by the ICC, will be the subject of a hearing by the House Commerce Transportation Subcommittee April 29 (see story, page 151).

Marketing orders—H. R. 8367 (Sisk of Calif.) is designed to authorize the Secretary of Agriculture to continue marketing orders in effect even after parity is reached. No action scheduled.

Marketing orders, cranberries—S. 1680 (10 Senators from 5 cranberry producing states) and other bills to amend the Agricultural Marketing Agreement Act so as to authorize marketing orders for cranberries for canning, were the subject of hearings by a Senate Agriculture Subcommittee April 20, 1957. N.C.A. opposes.

Mexican farm labor—H. R. 10360 (Gathings of Ark.), to extend indefinitely the authority under P. L. 78, 82d Congress, to import Mexican nationals for employment in agriculture, was the subject of hearings by a House Agriculture Subcommittee Feb. 28-March 3, and will be the subject of a further public hearing in June.

Packers and Stockyards Act—S. 1356 (O'Mahoney of Wyo.), to transfer antitrust jurisdiction over meat packing operations from USDA to FTC, was reported by the Senate Judiciary Committee July 18, 1957, and by the Senate Agriculture Committee April 22, with an amendment providing for concurrent jurisdiction by USDA and FTC.

H. R. 9020, to retain USDA antitrust jurisdiction on exclusive meat packing operations, was reported by House Agriculture Committee July 9, 1957, and H. R. 11234, also relating to antitrust jurisdiction, was reported by House Commerce Committee, with amendment, March 17.

Potato marketing and labeling—A number of bills to prohibit the sale of potatoes of a lower grade than U. S. No. 2, under certain conditions, were the subject of hearings by the House Agriculture Committee and by the Senate Agriculture Committee in 1957. N.C.A. opposes application to canning.

Premerger notification—H. R. 7698 (Celler of N. Y.), to require 60 days notice prior to merger of corporations having total book value of more than $10 million, was reported by House Judiciary Committee May 28, 1957. S. 198 was the subject of hearings by the Senate Antitrust Monopoly Subcommittee April 1-2 and 24-25.

Raw product bargaining—S. 1743 and S. 2444 (Aiken), to legalize organized bargaining for agricultural commodities under certain conditions, has been referred to Senate Agriculture Committee; and H. R. 6799 (Bow of Ohio) and H. R. 7807 (Bentley of Mich.) have been referred to House Judiciary Committee. No action scheduled.

Robinson-Patman Act—S. 11 (Kefauver of Tenn.) and H. R. 11 (Patman of Tex.), to restrict the good faith defense against a charge of price discrimination, was approved without recommendation, by Senate Antitrust Subcommittee June 21, 1957, and is pending before the Judiciary Committee.

Trade Agreements Act—H.R. 10368 (Mills of Ark.), to amend and extend the Trade Agreements Act, was the subject of hearings begun by the House Ways and Means Committee Feb. 17-March 25.

Wage-Hour—S. 1853 (Kennedy of Mass.), which includes proposal to eliminate overtime fishery exemption, was approved, without recommendation, by Senate Labor Subcommittee May 7, 1957.

Waste disposal—H. R. 1082 (Byrnes of Wis.), H. R. 2463 (Lipscomb of Calif.), and H. R. 4234 (Simpson of Pa.), to allow rapid amortization of waste disposal facilities and treatment works, have been introduced. N.C.A. supports the proposal, which is before House Ways and Means Committee.

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